

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JITTAWEE CURLY BEARCUB,

Defendant.

CR-07-117-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on April 14, 2021. (Doc. 170.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on April 13, 2021. (Doc. 165.) The United States accused Bear Cub of violating his conditions of supervised release; 1) by failing to report to his probation officer within 72 hours

of his release from prison; 2) by failing to report to his probation officer as directed on two separate occasions; 3) by failing to notify his probation officer of a change in residence; 4) by failing to report a contact with law enforcement; 5) by failing to register as a sex offender; 6) by failing to report for sex offender treatment; 7) by failing to report for substance abuse treatment; 8) by failing to report for substance abuse testing 9) by using methamphetamine; 10) by possessing a dangerous weapon; and 11) by possessing methamphetamine. (Doc. 164.)

At the revocation hearing, Bear Cub admitted to violating the conditions of his supervised release 1) by failing to report to his probation officer within 72 hours of his release from prison; 2) by failing to report to his probation officer as directed on two separate occasions; 3) by failing to notify his probation officer of a change in residence; 4) by failing to report a contact with law enforcement. 5) by failing to report for substance abuse treatment; 6) by failing to report for substance abuse testing; and 7) by possessing methamphetamine. Judge Johnston dismissed alleged violation 5 on the government's motion. The government satisfied its burden of proof with respect to alleged violations 6, 9 and 11. (Doc. 165.) Judge Johnston found that the violations Bear Cub admitted proved to be serious and warranted revocation, and recommended that Bear Cub receive a custodial sentence of 4 months, with a lifetime of supervised release to follow. (Doc. 170.) Bear Cub was advised of his right to appeal and his right to allocute before the

undersigned. (Doc. 165.) The violations prove serious and warrant revocation of Bear Cub's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 170) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Jittawee Bear Cub be sentenced to the custody of the United States Bureau of Prisons for 4 months, with a lifetime supervised release to follow. Bear Cub should serve his term of custody in the Roosevelt County Detention Center, Wolf Point, Montana, if possible. The sentence imposed in this case shall run concurrent with the sentences imposed in CR-05-09-GF-BMM and CR-18-83-GF-BMM.

DATED this 19th day of April, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court